IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1973 OF 2004
IN
CRIMINAL APPEAL NO. 594 OF 2004

The State of Maharashtra ..Applicant

versus

Shahaji R. Patil ..Respondent

Mr. S. R. Shinde, APP for the Applicants - State.
Mr. S. A. Malkani for the Respondent.

CORAM : R. S.MOHITE, J.

DATE : 9TH MARCH, 2006

P.C. :

1. This is an application for condonation of delay of 455 days in filing the Appeal against the acquittal. Advocate for the Respondent states that in the meanwhile, against the conviction under Section 354 and 506, an appeal was filed in the Sessions Court at Kolhapur and in that Appeal the Appellant - i.e. the Respondent herein was acquitted of the said offence.

2. This Appeal against acquittal filed by the State is only in respect of an offence under the

Atrocities Act. On perusing the record, I find that there is no abuse by the accused and what was alleged was that on two occasions the accused had caught hold of hand of the victim girl and asked her to come to sugarcane crop.

3. I find, in the aforesaid background, there is no merit in the case of the applicant, especially in the light of the acquittal under Sections 354 and 506 of the Indian Penal Code. Apart from that there is no proper explanation of delay of 455 days in the present application. The main delay is while forwarding of the proposal from the office of the District Government Pleader. The proposal was received from the District Government Pleader after a gross delay and beyond the period of limitation. In this view of the matter, application for condonation of delay is rejected.

(R. S. MOHITE, J.)